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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

135

FILE: WAC 01 283 53408 Office: CALIFORNIA SERVICE CENTER Date: JAN 31 2005

IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(2)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

for Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The preference visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner had not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

Review of Citizenship and Immigration Services (CIS) records indicates that, subsequent to filing the instant petition, the petitioner filed another Form I-140 petition under the same classification, with receipt number WAC 02 254 50190. CIS records further indicate that the second petition was approved on February 26, 2003. The alien subsequently filed a Form I-485 Application to Adjust Status, receipt number WAC 03 136 50811, which was approved on July 28, 2004.¹ Because the alien has adjusted to lawful permanent resident status, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed, based on the alien's adjustment to lawful permanent resident status.

¹ The petitioner adjusted status after, in response to a query from this office, he declined to withdraw the appeal based on the approval of another Form I-140 petition. We emphasize that this notice is not an acknowledgement of a withdrawal, which has not occurred, but a dismissal due to the petitioner's subsequent adjustment of status.